

COMPLAINT

(for filers who are prisoners without lawyers)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

CHRISTOPHER "X" BERRY
(WALI AL-WASFI-ARRABAD)

v.

Case Number:

(Full name of defendant(s))

JEAN LUTSEY, HSM
MEDICAL DOCTOR, SUAVEY
BHS-R.A., LaBelle ETAL

(to be supplied by Clerk of Court)

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at
(State)

GRONBAY CORR. INST. P.O. BX 19033
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant JEAN LUTSEY
(Name)

Cont. (2)

C) DEFENDANT-SUAVEY at all times relevant to this case, was/is a citizen of Wisconsin and, was employed by Green Bay Correctional Institution as Medical Doctor.

She can be reached via, WDOC at 3099 E. Washington Ave. Madison, WI 53707.

D) DEFENDANT-Joanne LaBelle at all times relevant to this case was/is a Wisconsin citizen and, was employed by WDOC as the BUREAU OF HEALTH SERVICES - Reviewing Authority of Medical Complaints.

She can be reached at the BHS, WDOC 3099 E. Washington Ave. Madison, WI 53707.

[ALL] defendants herein acted under and (outside) State Laws and, Federal Laws and, thus are being sued in their individual and Official Capacities respectively.

is (if a person or private corporation) a citizen of Wisconsin
(State, if known)
and (if a person) resides at WDOC P.O. BOX 7925 MADISON, WI
(Address, if known)
and (if the defendant harmed you while doing the defendant's job)
worked for Green Bay Correctional Institution
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

GBCI and a Consortium of its
Staff, Supervisory as well as Sub-
ject have and continues to sub-
ject Plaintiff to the unneces-
sary &anton AND Infliction of
Pain knowingly, willfully, intent-
ionally and capriciously; thus vio-
lating his 8th Amendment protected
Rights to the U.S. Const. . . .

1) Plaintiff has a mild form of scoliosis. (2) Plaintiff has been incarcerated 26 yrs. and, didn't learn about his condition of mild scoliosis until he noticed a sharp pain in his low spine (after) his incarceration.

(3) Plaintiff for his chronic lower back pain history, was prescribed certain medical restrictions to help reduce the amount of pain he suffered or experienced.

(4) Those medical restrictions were "low bunk, back brace, hot & cold treatments, extra mattress/pillow, and special arch heel support velcro shoes."

(5) In addition to these medical restrictions (ut supra), Plaintiff was prescribed an muscle relaxer and,

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Naproxen 500 mg. or, Extra Strength Tylenol and, Ibuprofen 7.5 mg., as well as muscle rub.

(6) After spending 10 yrs. at WSPF under the medical care of Dr. Burton Cox, who was the first MD to put all the medical restrictions in place that kept Plaintiff's pain at an tolerable rate.

(7) Plaintiff was transferred to CCI where he would be under the medical care of two (2) Doctors i.e., Dr. Sulienz and Dr. Hoffmann.

(8) Both of these MD's kept the restrictions of Doctor Cox's in place, because obviously Plaintiff wasn't complaining of being in any sharp pain, which indicated the restrictions were working at reducing pain.

(9) After 2 yrs. at Columbia Correctional Institution (CCI) under the care of both staffed MD's with next to no complaints of excruciating pain, Plaintiff was transferred back to Wisconsin Secure Program Facility (WSPF) for one year.

(10) The same medical restric-

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tions as mentioned (U+ SUPRA (5) remained in Place.

(11) After a Year, Plaintiff was returned back to C.C.I and, again had the same medical restrictions kept in Place.

(12) A Year passed and, Plaintiff was once again transferred out to Green Bay Correctional Institution (G.B.C.I); this time in NOV. 18, 2015.

(13) After just two (2) mths. of being at G.B.C.I, Plaintiff was in conflict with Health Services staff beginning with the Nurses who kept Plaintiff from being able to see Medical Doctor Swavey, who had discontinued] every medical restriction that was necessary for [alleviating] his Chronic lower back Pain as it relates to his Scoliosis.

(14) The Nurses would set-up sick Call appts only to tell Plaintiff there was nothing] that they could do, since they weren't doctors, which is (why) Plaintiff (should've) been allowed to see MD Swavey. I; the Plaintiff was returned to his cell in acute pain.

(15) Due to the [discontinuance] of necessary medical restrictions, which Plaintiff believed was at the Nurses behest esp. Nurse

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JEAN Lutsey, as Health Service Mgm. everything goes through her.

(16) Plaintiff filed more than an dozen medical Complaints with the ICRS 1st & 2nd Steps, the Warden directly and to the Health Service Mgm., Defendant - JEAN Lutsey, to (no) avail.

(17) Plaintiff was finally scheduled to see MD Survey and, was told (in writing) it would be soon.

(18) Days turned into wks. and, wks. turned into mths. of Plaintiff awaiting to be seen by MD Survey regarding his medical restrictions and, [ongoing] excruciating low back pain that which was exacerbated as an direct result of the [unmotified] discontinuance of [all] necessary medical-restrictions.

(19) While the Nurses at GBCI were continuing to ^{employ} the hoaxes, ruses and, shams by telling Plaintiff in writing that he was still scheduled to see the MD Survey and, that it would be soon; Plaintiff had learned via, ICE on an Complaint he filed, that GBCI was [with-out] any MD and, that they were looking

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for a Medical Doctor.

(20) Whether it inadvertently slipped out or, was deliberate, the ICE Armed Plaintiff with his Very Useful information that Hsu Staff esp. Defendant's Jean Lutsey And, Joanne LaBelle of the BHS, kept secreted, that GBCI had (no) MD.

(21) MD Suavey had [discontinue] (all) Plaintiff's necessary medical restrictions And, then handed in her resignation And, Defendants Jean Lutsey And, BHS's A., Joanne LaBelle both knew this at the time And, Covered each other by lying on IC1, saying, "Plaintiff was receiving health care" when clearly he wasn't.

(22) It was literally mths. before GBCI hired a new MD-Lisa Allen And another MD, Joseph a little later but, even after she was hired, it would be mths. again before Plaintiff would be able to see the new MD for his Condition And, Pain.

(23) Plaintiff was subjected to the unnecessary torment and infliction of Pain for months.

(24) As a result of the undisturbed [discontinuance] of all of his necessary medical restrictions, Plaintiff was compelled to

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jump up and down from his "top bunk", when he was supposed to of been "low bunk" and, this was an excruciating experience to say the least on his spine.

(25) Plaintiff was compelled to walk long distances without the aid & assistance of special Arch Heel Velcro Support shoes that absorbed most of the shock that came with walking.

(26) Defendants J. Lutsey and J. LaBelle are complicit by way of having prevented both Doctors Suavey and the (new) doctor Lisa Allen from prescribing Plaintiff with the special shoes he ~~xxxx~~ previously had and was in need of.

(27) MD Suavey is [liable] to Plaintiff for [discontinuing] necessary medical ~~restrictions~~ at the behest of RN-Nurses and, on unsupported basis's of (no medical indication), in spite of Plaintiff's long medical documented History.

(28) Everywhere a medical restriction was discontinued by defendant Suavey, she wrote, (no medical indication) to justify removing the restriction.

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(29) There is a such thing as "shock absorbent medical shoes." Four (4) MD's obviously seen a (need) for Special Shoes, low Bunk, Back Brak, CE & Hot treatments, Gel insoles and an extra Pillow or mattress vs Doctor Suavey who obviously is the only MD who didn't.

(30) Plaintiff was finally sent to several OFFsite Pain Clinics to have an EKG and, other tests performed as an follow-up to his ongoing complaints of excruciating pain.

(31) The results of those findings on this date still hasn't been decoded and interpreted for Plaintiff by either MD at GBC out, Plaintiff concludes (must) support Plaintiff's complaints of excruciating pain and, that pain continues and, Plaintiff is entitled to be compensated for his pain & suffering where the Court finds it unnecessary to enter an indication of pain.

(32) The tests performed on Plaintiff by OFFsite Clinics was extremely painful, to include electric shocks, needle puncture etc. and, Plaintiff has had (all) of his previous medical restrictions restored fully with the last being the special shoes.

(33) Plaintiff also has an ongoing numbness in his right shoulder that (nothing) has been done to relieve it. Plaintiff has been denied a

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

The Plaintiff has suffered immense Pain unnecessarily and, it was malicious, sadistic and, ²⁰ complete disregard for his Eighth Amendment Rights to be free from Cruel & Unusual Punishment and believes the jury (should) compensate him in the amount of \$150,000; The Amount of time it took to see a MD [after] Defendant Suavey left and, [after] the hiring of MD

Cont. [RELIEF WANTED]

LISA ALLEN; Plaintiff ASK'S the COURT to Award him punitive Damages in the amount OF \$75,000.

Plaintiff ASK'S the Court to Compel the State to pay all Court Costs, Filing and, Attorney fees incurred separately as the penalty for this case having to be brought to Court for resolution.

Due to the Medical Nature, Complexity of the issues and, the need for expert testimony, as well as Plaintiff's being an layman in the law, request is for the Court to Appoint an EFFECTIVE Lawyer to Assist Plaintiff.

That this COURT ORDERS DEFENDANTS TO NOTIFY (ALL) OF its inmate population VIA Electronic Inmate whenever GBCI is without A Medical Doctor. See GBCI-2017-3832

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this ~~7TH~~ day of April 20 17.

Respectfully Submitted,

Mr. Christopher X Berry
Signature of Plaintiff

219210
Plaintiff's Prisoner ID Number

P.O. BX 19033
Green Bay, WI 54307
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE

☒ I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

☐ I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.